

FILED

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The Honorable Timothy A. Bradshaw  
KING COUNTY  
Hearing Date: October 24, 2018  
SUPERIOR COURT CLERK  
Without Oral Argument  
FILED

CASE NUMBER: 18-2-14942-8 SEA

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal  
corporation,

Defendant.

CASE NO. 18-2-14942-8 SEA

MOTION TO SHORTEN TIME ON  
NON-PARTY EMC RESEARCH,  
INC.'S MOTION FOR  
RECONSIDERATION OF ORDERS  
COMPELLING DISCOVERY OR, IN  
THE ALTERNATIVE, FOR A STAY  
OF SUCH ORDERS PENDING  
DISCRETIONARY REVIEW

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, *et al.*,

Defendants.

CASE NO. 18-2-15000-1 SEA

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MOTION TO SHORTEN TIME ON NON-PARTY EMC RESEARCH,  
INC.'S MOTION FOR RECONSIDERATION OF ORDERS COMPELLING  
DISCOVERY OR, IN THE ALTERNATIVE, FOR A STAY OF SUCH  
ORDERS PENDING DISCRETIONARY REVIEW - 1

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## **I. RELIEF REQUESTED**

Non-Party EMC Research, Inc. respectfully requests that the Court shorten time to hear Non-Party EMC Research, Inc.'s Motion for Reconsideration of Orders Compelling Discovery or, in the Alternative, For a Stay of Such Orders Pending Discretionary Review.

## **II. STATEMENT OF FACTS**

EMC Research, Inc. incorporates the facts set forth in the Motion for Reconsideration of Orders Compelling Discovery or, in the Alternative, For a Stay of Such Orders Pending Discretionary Review that was filed in the above-captioned matter on October 18, 2018.

## **III. STATEMENT OF ISSUE**

Whether the Court should grant the Motion to Shorten Time.

## **IV. EVIDENCE RELIED UPON**

EMC Research, Inc. relies upon the pleadings and files contained herein as well as:

1. The Motion for Reconsideration of Orders Compelling Discovery or, in the Alternative, For a Stay of Such Orders Pending Discretionary Review.
2. The Declaration of Jonah Harrison in Support of Motion to Shorten Time.
3. The pleadings and files of record herein.

## **V. LEGAL AUTHORITY**

King County Local Rule ("KCLR") 7(4)(A) requires that motions be filed and served on all parties at least six (6) days before the hearing. Pursuant to KCLR 7(b)(10), this Court has discretion to shorten the time period for filing and serving a motion only for good cause upon a written application. EMC Research, Inc. respectfully requests that the Court exercise its discretion in this case in order to allow EMC Research, Inc. to the present the Motion for Reconsideration of Orders Compelling Discovery or, in the Alternative, For a Stay of Such Orders Pending Discretionary Review to the Court as soon as possible.

Here, good cause exists because the Court has ordered production of highly sensitive

1 documents with potential for irreparable harm to the First Amendment rights and business  
2 interests of EMC. EMC has sought discretionary review, and has also sought reconsideration  
3 of the Court's Order especially in light of Mr. Egan's October 17 summary judgment motion  
4 representing he is entitled to summary judgment on the OPMA violation in the absence of the  
5 document the Court ordered to be produced. In contrast, EMC would be irreparably harmed  
6 were the documents produced. Its Motion for Discretionary Review is due November 1,  
7 pursuant to RAP 6.2(b). Shortening time for a hearing on EMC's Motion for Reconsideration  
8 of Orders Compelling Discovery or, in the Alternative, For a Stay of Such Orders Pending  
9 Discretionary Review would expedite the review process and, should the Court grant the  
10 Motion, could obviate any need for appellate proceedings.

## 11 **VI. CONCLUSION**

12 For the foregoing reasons, EMC Research, Inc. respectfully request that the Court grant  
13 their Motion to Shorten Time and schedule the hearing for the EMC's Motion for  
14 Reconsideration of Orders Compelling Discovery or, in the Alternative, For a Stay of Such  
15 Orders Pending Discretionary Review for Wednesday, October 24, 2018.

## 16 **VII. PROPOSED ORDER**

17 A proposed Order granting this motion is submitted herewith.

## 18 **VIII. CERTIFICATION**

19 Pursuant to KCLR 7(b)(10), Jonah O. Harrison, being over the age of eighteen, certifies  
20 and declares under the penalty of perjury that he notified all counsel of record and Pro Se  
21 Plaintiff Arthur West of the intention to file this motion to shorten time. The aforementioned  
22 email providing such notice is attached as **Exhibit A** to the Declaration of Jonah O. Harrison.

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1 DATED this 19th day of October, 2018.

2 **IMPACT LAW GROUP PLLC**

3  
4 /s/ Jonah O. Harrison

5 Jonah O. Harrison, WSBA #34576

6 1325 Fourth Avenue, Suite 1400

7 Seattle, WA 98101

8 Phone: (206) 792-5230

9 Fax: (206) 452-0655

10 jonah@impactlawgroup.com

11 *Counsel for EMC Research, Inc.*

12 I certify that this Motion contains 541  
13 words, in compliance with Local Civil  
14 Rules.

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## CERTIFICATE OF SERVICE

I, Tori Harris, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

I am employed by the law firm of Impact Law Group PLLC.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the foregoing document in the manner noted on the following:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
Lincoln C. Beauregard, WSBA #32878 Julie A. Kays, WSBA #30385 Connelly Law Offices, PLLC 2301 N. 30 <sup>th</sup> Street Tacoma, WA 98403 <a href="mailto:lincolnb@connelly-law.com">lincolnb@connelly-law.com</a> <a href="mailto:jkays@connelly-law.com">jkays@connelly-law.com</a>  <i>Attorneys for Plaintiff</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> E-service via e-filing portal pursuant to King County LGR 30 <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail
Peter S. Holmes, WSBA #15787 Gary Smith, WSBA #29718 Michael K. Ryan, WSBA #32091 Seattle Attorney's Office 701 Fifth Avenue, Suite 2050 Seattle, WA 98104 <a href="mailto:pete.holmes@seattle.gov">pete.holmes@seattle.gov</a> <a href="mailto:gary.smith@seattle.gov">gary.smith@seattle.gov</a> <a href="mailto:michael.ryan@seattle.gov">michael.ryan@seattle.gov</a>  <i>Co-Counsel for Defendants</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> E-service via e-filing portal pursuant to King County LGR 30 <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail

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PARTY/COUNSEL	DELIVERY INSTRUCTIONS
David N. Bruce, WSBA #15237 Stephen C. Willey, WSBA #24499 Michele L. Stephen, WSBA #39458 1425 Fourth Avenue, Suite 800 Seattle, WA 98101 <u>dbruce@sbwllp.com</u> <u>swilley@sbwllp.com</u> <u>mstephen@sbwllp.com</u>  <i>Co-counsel for Defendants</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> E-service via e-filing portal pursuant to King County LGR 30 <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail
Arthur West 120 State Avenue N.E., #1497 Olympia, WA 98501 <u>awestaa@gmail.com</u>  <i>Pro Se Plaintiff</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> E-service via e-filing portal pursuant to King County LGR 30 <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> U.S. Mail

DATED this 19th day of October, 2018 at Seattle, Washington.

**IMPACT LAW GROUP PLLC**

/s/ *Tori Harris*

Tori Harris